



Reprinted
January 27, 2004

SENATE BILL No. 65

DIGEST OF SB 65 (Updated January 26, 2004 2:25 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Planning departments. Requires the county commissioners (rather than the area plan commission) to appoint the executive director of the planning department in a county that does not contain a second class city.

Effective: July 1, 2004.

Jackman

November 21, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
January 22, 2004, amended, reported favorably — Do Pass.
January 26, 2004, read second time, amended, ordered engrossed.

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SB 65—LS 6242/DI 87+



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January 27, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 65

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-4-311, AS AMENDED BY P.L.165-2003,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 311. (a) ADVISORY. The advisory plan
4 commission may appoint, prescribe the duties, and fix the
5 compensation of such employees as are necessary for the discharge of
6 the duties of the commission. This compensation must be in conformity
7 with salaries and compensation fixed up to that time by the fiscal body
8 of the municipality or county, as the case may be. The commission may
9 contract for special or temporary services and any professional counsel.
10 (b) AREA. **Except as provided in subsection (c)**, the area plan
11 commission shall appoint an executive director for the planning
12 department and fix the director's compensation. To be qualified for the
13 position, the executive director must have training and experience in
14 the field of planning and zoning. The commission may not give any
15 consideration to political affiliation in the appointment of the executive
16 director.
17 (c) AREA. **This subsection applies to a county that does not**

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1 contain a second class city. When there is a vacancy in the position
2 of executive director of the planning department, the area plan
3 commission shall give to the county commissioners the name of an
4 individual recommended for the position. The county
5 commissioners shall appoint an executive director. The appointee
6 is not required to be the individual recommended by the area plan
7 commission. The county commissioners may remove the executive
8 director. The county commissioners shall fix the executive
9 director's compensation. To be qualified for the position, an
10 individual must have training and experience in the field of
11 planning and zoning. In appointing the executive director, the
12 county commissioners may not give any consideration to the
13 political affiliation of the applicant.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, delete "The" and insert "**Except as provided in subsection (c), the**".

Page 1, line 10, reset in roman "area plan commission shall appoint an executive".

Page 1, reset in roman lines 11 through 14.

Page 1, line 15, reset in roman "in the appointment of the executive director."

Page 1, line 15, after "director.", begin a new paragraph and insert: "**(c) AREA. This subsection applies to a county that:**

(1) that does not contain a second class city; and

(2) has plan commission that includes the city with the largest population that is located within the county."

Page 1, line 15, beginning with "When" begin a new line blocked left.

and when so amended that said bill do pass.

(Reference is to SB 65 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 65 be amended to read as follows:

Page 1, line 17, delete "that:".

Page 2, line 1, delete "(1)".

Page 1, run in line 17 through Page 2, line 1.

Page 2, line 1, delete "city; and" and insert "**city.**".

Page 2, delete lines 2 through 3.

(Reference is to SB 65 as printed January 23, 2004.)

JACKMAN

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